THE GENERAL CLAUSES REGULATION 1899.

CONTENTS.

Preliminary.

SECTIONS.

1. Short title and commencement.
2. Repeal.

General Definitions.

3. Definitions.
4. Application of foregoing definitions to previous enactments.

General Rules of Construction.

5. Coming into operation of enactments.
6. Effect of repeal.
7. Revival of repealed enactments.
8. Construction of references to repealed enactments.
9. Commencement and termination of time.
10. Computation of time.
11. Measurement of distances.
12. Duty to be taken *pro ratâ* in enactments.
13. Gender and number.

Powers and Functionaries.

14. Powers conferred on the Government to be exercisable from time to time.
15. Power to appoint to include power to appoint *ex-officio*.
16. Power to appoint to include power to suspend or dismiss.
17. Substitution of functionaries.
18. Successors.
19. Official chiefs and subordinates.

Provisions as to Orders, Rules, etc., made under Enactments.

20. Construction of orders, etc., issued under enactments.
21. Power to make, to include power to add to, amend, vary or rescind, orders, rules or bye-laws.
22. Making of rules or bye-laws and issuing of orders between passing and commencement of enactment.
23. Provisions applicable to making of rules or bye-laws after previous publication.
24. Continuation of orders, etc., issued under enactments repealed and re-enacted.

Miscellaneous.

25. Recovery of fines.
26. Provision as to offences punishable under two or more enactments.
27. Meaning of service by post.
28. Citation of enactments.
29. Saving for previous enactments, rules and bye-laws.
30. Interpretation of British Indian Acts extended to Mysore.
31. Changes involved in the application *mutatis mutandis* of British Indian enactments to Mysore.

THE SCHEDULE.

ENACTMENTS REPEALED.

REGULATION No. III OF 1899.

(PASSED ON THE 3RD DAY OF JULY 1899).

A Regulation for further shortening the language used in enactments in force in Mysore, and for other purposes.

WHEREAS it is expedient further to shorten the language in enactments in force in Mysore, and to make certain other provisions relating to those enactments; Her Highness the Maharani-Regent is pleased to enact as follows:—

Preliminary.

Short title and commencement.

1. (1) This Regulation may be called the General Clauses Regulation, 1899; and

(2) It shall come into force at once.

Repeal.

2. The Acts mentioned in the schedule are repealed to the extent specified in the fourth column thereof.

General Definitions.

Definitions.

3. In this Regulation, and in all Regulations made after the commencement of this Regulation, unless there is anything repugnant in the subject or context,—

"Abet"

(1) "abet," with its grammatical variations and cognate expressions, shall have the same meaning as in the Indian Penal Code:

"Act."

(2) "act," used with reference to an offence or a civil wrong, shall include a series of acts and words which refer to acts done extend also to illegal omissions:

"Affidavit."

(3) "affidavit" shall include affirmation and declaration in the case of persons by law allowed to affirm or declare instead of swearing:

"Barrister."

(4) "barrister" shall mean a barrister of England or Ireland, or a member of the Faculty of Advocates in Scotland:

"British India."

(5) "British India" shall mean all territories and places within Her Majesty the Queen's dominions which are for the time being governed by Her Majesty through the Governor General of India or through any Governor or other officer subordinate to the Governor General of India:

"Chapter." (6) "Chapter" shall mean a Chapter of the Regulation in which the word occurs:

"Chief Court." (7) "Chief Court," used with reference to civil proceedings, shall mean the highest Civil Court of appeal in Mysore:

"Commencement." (8) "commencement," used with reference to a Regulation, shall mean the day on which the Regulation comes into force:

"Deputy Commissioner." (9) "Deputy Commissioner" shall mean the chief officer in charge of the revenue-administration of a district:

"District Judge." (10) "District Judge" shall mean the Judge of a principal Civil Court of original jurisdiction:

"Document." (11) "document" shall include any matter written, expressed or described upon any substance by means of letters, figures or marks, or by more than one of those means, which is intended to be used, or which may be used, for the purpose of recording that matter:

'Enactment (12) "enactment" shall include—

(*a*) a Regulation,

(*b*) an Act of the Governor General of India in Council or of a local Legislature in India, introduced as law into Mysore,

(*c*) a body of Rules (other than rules made in exercise of a power conferred by any Regulation or by any such Act as aforesaid) prescribed as law in Mysore, and

(*d*) any provision contained in any Regulation or in any such Act or body of Rules as aforesaid:

'Father." (13) "father," in the case of any one whose personal law permits adoption, shall include an adoptive father:

"Financial year," "revenue year," or "official year." (14) "financial year" or "revenue year" or "official year" shall mean the year commencing on the first day of July:

"Good faith." (15) a thing shall be deemed to be done in "good faith" where it is in fact done honestly, whether it is done negligently or not:

"Government." (16) "Government" or "the Government" or "the Government of Mysore" shall mean the person authorized to administer executive Government in Mysore:

"Immoveable property." (17) "immoveable property" shall include land, benefits to arise out of land, and things attached to the earth, or permanently fastened to anything attached to the earth:

"Imprisonment." (18) "imprisonment" shall mean imprisonment of either description as defined in the Indian Penal Code:

Section 3.

(19) "Judicial proceeding" shall mean any proceeding in the course of which evidence is, or may be, legally taken: "Judicial" proceeding.

(20) "local authority" shall mean a municipal committee, district board, or other authority legally entitled to, or entrusted by the Government with, the control or management of a municipal or local fund: "Local authority."

(21) "Magistrate" shall include every person exercising all or any of the powers of a Magistrate under the Code of Criminal Procedure for the time being in force: "Magistrate."

(22) "month" shall mean a month reckoned according to the British calendar: "Month."

(23) "moveable property" shall mean property of every description, except immoveable property: "Moveable property."

(24) "Mysore" shall mean the territories of Mysore: "Mysore."

(25) "oath" shall include affirmation and declaration in the case of persons by law allowed to affirm or declare instead of swearing. "Oath."

(26) "offence" shall mean any act or omission made punishable by any law for the time being in force: "Offence."

(27) "Part" shall mean a Part of the Regulation in which the word occurs: "Part."

(28) "person" shall include any company or association or body of individuals, whether incorporated or not: "Person."

(29) "place" shall include also a house, building, tent and vessel: "Place."

(30) "public" shall include any class of the public or any community: "Public."

(31) "public nuisance" shall mean a public nuisance as defined in the Indian Penal Code: "Public nuisance."

(32) "registered," used with reference to a document, shall mean registered under the law for the time being in force in Mysore for the registration of documents: "Registered."

(33) "Regulation" shall mean a Regulation passed by the Maharaja. "Regulation."

(34) "rule" shall mean a rule made in exercise of a power conferred by any enactment: "Rule."

(35) "schedule" shall mean a schedule to the Regulation in which the word occurs: "Schedule."

(36) "section" shall mean a section of the Regulation in which the word occurs: "Section."

"Sign." (37) "sign," with its grammatical variations and cognate expressions, shall, with reference to a person who is unable to write his name, include "mark," with its grammatical variations and cognate expressions:

"Son." (38) "son," in the case of any one whose personal law permits adoption, shall include an adopted son:

"Sub section. (39) "sub-section" shall mean a sub-section of the section in which the word occurs:

"Swear." (40 "swear," with its grammatical variations and cognate expressions shall include affirming and declaring in the case of persons by law allowed to affirm or declare instead of swearing:

"Will." (41) "will" shall include a codicil and every writing making a voluntary posthumous disposition of property:

"Writing." (42) expressions referring to "writing" shall be construed as including references to printing, lithography, photography and other modes of representing or reproducing words in a visible form: and

"Year." (43) "year" shall mean a year reckoned according to the British calendar.

Application of foregoing definitions to previous enactments. **4.** The definitions in section 3 of the following words and expressions, that is to say, "affidavit," "barrister," "British India," "Chief Court," "District Judge," "father," "immoveable property," "imprisonment," "Magistrate," "month," "moveable property," "oath," "person," "section" "son," "swear," "will" and "year" apply also, unless there is anything repugnant in the subject or context, to all enactments made after the third day of January 1868.

General Rules of Construction.

Coming into operation of enactments. **5.** (1) Where any Regulation is not expressed to come into operation on a particular day, then it shall come into operation on the day on which it receives the assent of the Maharaja.

(2) Unless the contrary is expressed, a Regulation shall be construed as coming into operation immediately on the expiration of the day preceding its commencement.

Effect of repeal. **6.** Where this Regulation, or any Regulation made after the commencement of this Regulation, repeals any enactment hitherto made or hereafter to be made, then, unless a different intention appears, the repeal shall not—

(*a*) revive anything not in force or existing at the time at which the repeal takes effect; or

(*b*) affect the previous operation of any enactment so repealed or anything duly done or suffered thereunder ; or

(*c*) affect any right, privilege, obligation or liability acquired, accrued or incurred under any enactment so repealed ; or

(*d*) affect any penalty, forfeiture or punishment incurred in respect of any offence committed against any enactment so repealed ; or

(*e*) affect any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid ; and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed, as if the repealing Regulation had not been passed.

Revival of repealed enactments.

7. (1) In any Regulation made after the commencement of this Regulation, it shall be necessary, for the purpose of reviving, either wholly or partially, any enactment wholly or partially repealed, expressly to state that purpose.

(2) This section applies also to all enactments made after the third day of January 1868.

Construction of references to repealed enactments.

8. Where this Regulation, or any Regulation made after the commencement of this Regulation, repeals and re-enacts, with or without modification, any provision of a former enactment, then references in any other enactment or in any instrument to the provision so repealed, shall, unless a different intention appears, be construed as references to the provision so re-enacted.

Commencement and termination of time.

9. (1) In any Regulation made after the commencement of this Regulation, it shall be sufficient, for the purpose of excluding the first in a series of days or any other period of time, to use the word "from," and, for the purpose of including the last in a series of days or any other period of time, to use the word "to."

(2) This section applies also to all enactments made after the third day of January 1868.

Computation of time.

10. Where, by any Regulation made after the commencement of this Regulation, any act or proceeding is directed or allowed to be done or taken in any Court or office on a certain day or within a prescribed period, then, if the Court or office is closed on that day or the last day of the prescribed period, the act or proceeding shall be considered as done or taken in due time if it is done or taken on the next day afterwards on which the Court or office is open :

Provided that nothing in this section shall apply to any act or proceeding to which the Indian Limitation Act, 1877, as amended by Regulation III of 1896, applies.

Measurement of distances.

11. In the measurement of any distance, for the purposes of any Regulation made after the commencement of this Regulation, that distance shall, unless a different intention appears, be measured in a straight line on a horizontal plane.

Duty to be taken *pro ratâ* in enactments.

12. Where, by any enactment now in force or hereafter to be in force, any duty of customs or excise, or in the nature thereof, is leviable on any given quantity, by weight, measure or value of any goods or merchandize, then a like duty is leviable according to the same rate on any greater or less quantity.

Gender and number.

13. In all enactments, unless there is anything repugnant in the subject or context,—

(1) words importing the masculine gender shall be taken to include females ; and

(2) words in the singular shall include the plural, and *vice versa*

Powers and Functionaries.

Powers conferred on the Government to be exercisable from time to time.

14. Where, by any Regulation made after the commencement of this Regulation, any power is conferred on the Government, then that power may be exercised from time to time as occasion requires.

Power to appoint to include power to appoint *ex officio*.

15. Where, by any enactment, a power to appoint any person to fill any office or execute any function is conferred, then, unless it is otherwise expressly provided, any such appointment, if it is made after the commencement of this Regulation, may be made either by name or by virtue of office.

Power to appoint to include power to suspend or dismiss.

16. Where, by any enactment, a power to make any appointment is conferred, then, unless a different intention appears, the authority having power to make the appointment shall also have power to suspend or dismiss any person appointed by it in exercise of that power.

Substitution of functionaries.

17. (1) In any Regulation made after the commencement of this Regulation, it shall be sufficient, for the purpose of indicating the application of a law to every person or number of persons for the time being executing the functions of an office, to mention the official title of the officer at present executing the functions, or that of the officer by whom the functions are commonly executed.

(2) This section applies also to all enactments made after the third day of January 1868.

Successors.

18. (1) In any Regulation made after the commencement of this Regulation, it shall be sufficient, for the purpose of indicating the relation of a law to the successors of any functionaries or of corporations having perpetual succession, to express its relation to the functionaries or corporations.

(2) This section applies also to all enactments made after the third day of January 1868.

Official chiefs and subordinates.

19. (1) In any Regulation made after the commencement of this Regulation, it shall be sufficient, for the purpose of expressing that a law relative to the chief or superior of an office shall apply to the deputies or subordinates lawfully performing the duties of that office in the place of their superior, to prescribe the duty of the superior.

(2) This section applies also to all enactments made after the third day of January 1868.

Provisions as to Orders, Rules, &c., made under Enactments.

Construction of orders, etc. issued under enactments.

20. Where, by any enactment, a power to issue any order, scheme, rule, form or bye-law is conferred, then expressions used in the order, scheme, rule, form or bye-law, if it is made after the commencement of this Regulation, shall, unless there is anything repugnant in the subject or context, have the same respective meanings as in the enactment conferring the power.

Power to make to include power to add to, amend, vary or rescind, orders, rules or bye-laws.

21. Where, by any enactment, a power to make orders, rules or bye-laws is conferred, then that power includes a power, exercisable in the like manner and subject to the like sanction and conditions (if any), to add to, amend, vary or rescind any orders, rules or bye-laws so made.

Making of rules or bye-laws and issuing of orders between passing and commencement of enactment.

22. Where, by any enactment which is not to come into force immediately on the passing thereof, a power is conferred to make rules or bye-laws, or to issue orders with respect to the application of the enactment, or with respect to the establishment of any Court or office or the appointment of any Judge or officer thereunder, or with respect to the person by whom, or the time when, or the place where, or the manner in which, or the fees for which, anything is to be done under the enactment, then that power may be exercised at any time after the passing of the enactment ; but rules, bye-laws or orders so made or issued shall not take effect till the commencement of the enactment.

Provisions applicable to making of rules or bye-laws after previous publication.

23. Where, by any enactment, a power to make rules or bye-laws is expressed to be given subject to the condition of the rules or bye-laws being made after previous publication, then the following provisions shall apply, namely :—

(1) the authority having power to make the rules or bye-laws shall, before making them, publish a draft of the proposed rules or bye-laws for the information of persons likely to be affected thereby ;

(2) the publication shall be made in such manner as that authority deems to be sufficient, or, if the condition with respect to previous publication so requires, in such manner as the Government prescribes ;

(3) there shall be published with the draft a notice specifying a date on or after which the draft will be taken into consideration ;

(4) the authority having power to make the rules or bye-laws, and, where the rules or bye-laws are to be made with the sanction, approval or concurrence of another authority, that authority also, shall consider any objection or suggestion which may be received by the authority having power to make the rules or bye-laws from any person with respect to the draft before the date so specified;

(5) the publication in the Gazette of a rule or bye-law purporting to have been made in exercise of a power to make rules or bye-laws after previous publication shall be conclusive proof that the rule or bye-law has been duly made.

Continuation of orders, etc., issued under enactments repealed and re-enacted.

24. Where any enactment is, after the commencement of this Regulation, repealed and re-enacted with or without modification, then, unless it is otherwise expressly provided, any order, scheme, rule, form or bye-law, issued under the repealed enactment, shall, so far as it is not inconsistent with the provisions re-enacted, continue in force, and be deemed to have been issued under the provisions so re-enacted, unless and until it is superseded by any order, scheme, rule, form or bye-law issued under the provisions so re-enacted.

Miscellaneous.

Recovery of fines.

25. Sections 63 to 70 of the Indian Penal Code and the provisions of the Code of Criminal Procedure for the time being in force in relation to the issue and the execution of warrants for the levy of fines shall apply to all fines imposed under any enactment, rule or bye-law, unless the enactment, rule or bye-law contains an express provision to the contrary.

Provision as to offences punishable under two or more enactments.

26. Where an act or omission constitutes an offence under two or more enactments, then the offender shall be liable to be prosecuted and punished under either or any of those enactments, but shall not be liable to be punished twice for the same offence.

Sections 27-31.

Meaning of service by post.

27. Where any Regulation made after the commencement of this Regulation authorizes or requires any document to be served by post, whether the expression "serve" or either of the expressions "give" or "send" or any other expression is used, then, unless a different intention appears, the service shall be deemed to be effected by properly addressing, prepaying and posting by registered post, a letter containing the document, and, unless the contrary is proved, to have been effected at the time at which the letter would be delivered in the ordinary course of post.

Citation of enactments.

28. (1) In any enactment, and in any rule, bye-law, instrument or document, made under, or with reference to, any enactment, any enactment may be cited by reference to the title or short title (if any) conferred thereon or by reference to the number and year thereof, and any provision in an enactment may be cited by reference to the section or sub-section of the enactment in which the provision is contained.

(2) In this Regulation and in any Regulation made after the commencement of this Regulation, a description or citation of a portion of another enactment shall, unless a different intention appears, be construed as including the word, section or other part mentioned or referred to as forming the beginning and as forming the end of the portion comprised in the description or citation.

Saving for previous enactments, rules and bye-laws.

29. The provisions of this Regulation respecting the construction of enactments, rules or bye-laws made after the commencement of this Regulation, shall not affect the construction of any enactment, rule or bye-law made before the commencement of this Regulation, although the enactment, rule or bye-law is continued or amended by an enactment, rule or bye-law made after the commencement of this Regulation.

Interpretation of British Indian Acts extended to Mysore.

30. Every Act of the Governor General of India in Council or of a local Legislature in India extended to Mysore shall, as far as possible, be subject to the same rules of interpretation as in British India.

Changes involved in the application *mutatis mutandis* of British Indian enactments to Mysore.

31. Where any enactment of the Governor General of India in Council or of a local Legislature in India is expressed to be applied or extended *mutatis mutandis* to Mysore or a part thereof, then, unless a different intention appears, the following changes shall be deemed to be made in the said enactment as so applied or extended, namely:—

(i) The conversion of references to Local Governments, the Government of India or the Governor General of India in Council into references to the Government of Mysore;

Section 31. Schedule.

(ii) the conversion of references to any authority, Court, officer or functionary in British India into references to the authority, Court, officer or functionary in Mysore vested with, or ordinarily exercising, the functions of such authority, Court, officer or functionary ;

(iii) the conversion of references to any enactment, rule, institution, person or thing in British India into references to the enactment, rule, institution, person or thing in Mysore most nearly corresponding to such enactment, rule, institution, person or thing ;

(iv) the conversion of references to territorial limits in British India into references to Mysore or a part thereof, as may be denoted by the context ;

(v) the omission of references to all such matters as are peculiar to British India or have nothing corresponding to them in Mysore ; and,

(vi) generally, all such changes as may be necessary to give the said enactment as nearly as possible the same operation in Mysore as in British India.

THE SCHEDULE.

ENACTMENTS REPEALED.

(*See section 2.*)

Year.	No.	Title or subject.	Extent of repeal.
1868	I	The General Clauses Act, 1868, as extended to Mysore by Notification of the Government of India, Judicial No. 93, dated the 11th July 1878.	The whole.
1872	I	The Indian Evidence Act, 1872 ...	So much as relates to Act I of 1868.